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Division of Medical Quality
Medical Board of California
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10 BEFORE THE
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)	No. 1E-94-33784
Against:)	
13)	FIRST AMENDED
ROMAN ROBLES, P.A.)	<u>ACCUSATION</u>
14 4464 Palo Alto, #218)	
Fresno, California 93722)	
15 Physician Assistant)	
License No. PA 12500)	
16)	
Respondent.)	
17)	

18 Ray E. Dale, for a first amended accusation, alleges:
19 1. Complainant Ray E. Dale makes and files this first
20 amended accusation in his official capacity as Executive Officer of
21 the Physician Assistant Examining Committee, Department of Consumer
22 Affairs, State of California and not otherwise. This first amended
23 accusation supersedes and replaces nunc pro tunc the accusation
24 heretofore filed.
25 2. On or about March 9, 1990, the Physician Assistant
26 Examining Committee issued physician assistant license number
27 PA 12500 to Roman Robles. At all times relevant herein, said

1 license was in full force and effect. The license will expire on
2 September 30, 1995, unless renewed.

3 3. Under Business and Professions Code section 3527(a),
4 the Committee may discipline a physician assistant license by
5 suspension, revocation, or otherwise for unprofessional conduct
6 which includes, but is not limited to, a violation of the Physician
7 Assistant Practice Act, a violation of the State Medical Practice
8 Act or a violation of the regulations adopted by the Committee or
9 the Board.

10 Under Business and Professions Code section 3524, a
11 license may be renewed at any time within five years after its
12 expiration by filing an application for renewal.

13 Under Business and Professions Code section 125.3, the
14 Committee may request the administrative law judge to direct a
15 licentiate found to have committed a violation or violations of the
16 licensing act to pay a sum not to exceed the reasonable costs of
17 the investigation and enforcement of the case.

18 Under Business and Professions Code section 2305 of the
19 Medical Practice Act, the revocation, suspension, or other
20 discipline by another state of a license or certificate to practice
21 medicine issued by the state, or the revocation, suspension, or
22 restriction of the authority to practice medicine by any agency of
23 the federal government, to a licensee under this chapter shall
24 constitute grounds for disciplinary action for unprofessional
25 conduct against such licensee in this state.

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1 4. Respondent has subjected his license to discipline
2 under Business and Professions Code section 3527(a) and 2305 on the
3 grounds of unprofessional conduct in that on or about July 26,
4 1993, the Department of the Army disciplined respondent's
5 privileges to practice as a physician assistant for committing
6 sexual abuse, misconduct and exploitation related to the practice
7 of medicine. A copy of the Army decision is attached hereto as
8 Exhibit A and incorporated by reference herein.

9 On December 16, 1994, the State of Florida, Board of
10 Medicine imposed discipline on respondent's license to practice as
11 a physician assistant in that state. The basis for that discipline
12 was the action taken by the Department of the Army (Exhibit A) for
13 respondent's sexual abuse, misconduct and exploitation related to
14 the practice of medicine. A copy of the Final Order is attached
15 hereto as Exhibit B and incorporated by reference herein.

16 WHEREFORE, complainant prays that the Committee hold a
17 hearing on the matters alleged herein and, following said hearing,
18 issue a decision:

19 1. Revoking or suspending physician assistant license
20 number PA 12500, issued to Roman Robles.

21 2. Ordering Roman Robles to pay to the Physician
22 Assistant Examining Committee its costs for investigation and
23 enforcement according to proof at the hearing, pursuant to Business
24 and Professions Code section 125.3.


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1 3. Taking such other and further action as may be deemed
2 proper and appropriate.

3 DATED: May 15, 1995

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5 
6 RAY E. DALE
7 Executive Officer
8 Physician Assistant Examining
9 Committee
10 Department of Consumer Affairs
11 State of California
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21
22 Complainant

22 03578160-
23 SA94AD0607
24 (SM 4/25/95)
25 (AMENDED)
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27

EXHIBIT A



DEPARTMENT OF THE ARMY
US ARMY MEDICAL DEPARTMENT ACTIVITY
FORT MCLELLAN, ALABAMA 36205-5083

REPLY TO
ATTENTION OF

July 26, 1993

Office of the Commander

Mr. Roman Robles
C/O Mr. Gary Stanko
822 Leighton Avenue
Anniston, Alabama 36201

Dear Mr. Robles:

Based upon recommendations of the Credentials Hearing Committee and the Credentials Committee, you are hereby notified that your privileges at United States Army Medical Department Activity, Noble Army Community Hospital, Fort McClellan, Alabama, are revoked effective immediately. This decision is based upon acts to commit sexual abuse, misconduct, and exploitation related to the practice of medicine.



Colonel, U.S. Army
Commanding

TRUE CERTIFIED COPIES
BY DASG-PSQ MB

Q1 Documents under 1.0
USC 1102. Unauthorized
disclosure carries a
minimum \$3,000 fine.

EXHIBIT B

STATE OF FLORIDA
 AGENCY FOR HEALTH CARE ADMINISTRATION
 BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
 ADMINISTRATION, BOARD OF
 MEDICINE,

Final Order No. AHCA-94-881 Date 12-27-94

FILED

Agency for Health Care Administration
 AGENCY CLERK

R.S. Power, Agency Clerk

By: Alanna C. Kirk
 Deputy Agency Clerk

Petitioner,

v.

CASE NUMBER: 91-13878
 LICENSE NUMBER: PA 0002326

ROMAN ROBLES, P.A.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on December 3, 1994 in Orlando, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Consent Agreement proposed and offered an amendment at the hearing, which amendment was accepted without objection by the parties.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the following amendments:

1. That Paragraph 2 of the Stipulated Disposition shall reflect that the Respondent shall pay the administrative fine of \$500 per month for a total of \$1,500 to be paid in full within ninety (90) days of the filing of the Final Order in this cause.

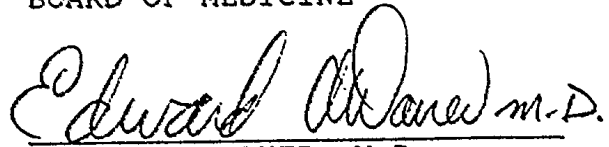
2. That Paragraph 3 of the Stipulated Disposition shall reflect that Respondent shall undergo an evaluation conducted by the Physician's Recovery Network (PRN) within ninety (90) days of the filing of the Final Order in this case.

Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement, as amended.

This Final Order takes effect upon filing with the Clerk of the Agency.

DONE AND ORDERED this 16 day December, 1994.

BOARD OF MEDICINE



EDWARD A. DAUER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Roman Robles, P.A., Suite 270, 2340 W. Cleveland Avenue, Madera, CA 93637, Gary G. Stanko, Esquire, BOLT, ISOM, JACKSON & BAILEY, Post Office Box 2066, Anniston, Alabama 36202, and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Agency for Health Care Administration, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1994.

MARM M. HARRIS, Ed.D.
Executive Director

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

V.

DPR CASE NO. 91-13878

ROMAN ROBLES, PA

Respondent.

CONSENT AGREEMENT

Roman Robles, P.A., referred to as the "Respondent," and the Department of Business and Professional Regulation, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician assistant in the State of Florida having been issued license number PA 0002326.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician assistant, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent read Chapters 455, 458 and 893 and the Rules of the Board of Medicine, at Section 61F6, Florida Administrative Code.

2. FINE. The Board shall impose an administrative fine in the amount of \$1,500.00 against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine through installments as agreed upon by the Board.

3. Respondent shall be evaluated by PRN and, if required, enter into a contract with PRN for future treatments and evaluations.

4. When practicing in the State of Florida, respondent shall not examine or treat any female patients without a female clinical health care practitioner licensed by the Department of Business and Professional Regulation being present in the room. The health care

licensee shall be present at all times during the treatment and examination. It shall be recorded in the patient record that the health care licensee was present at all times during the treatment and examination. Said notation shall be signed by both the Respondent and the health care licensee. The Respondent shall also maintain a separate log, to be available during office hours for inspection on a random and unannounced basis by the Department's investigator. Said log shall include the names of all female patients that the Respondent examines and/or treats, the date of examination and/or treatment, and the name of the health care licensee present in the room during the examination and/or treatment. Each entry in the log shall be signed and dated both by the Respondent and the health care licensee. On the last day of every calendar month, the Respondent shall submit a sworn and notarized affidavit to the Department, reflecting whether he has examined or treated any female patients in compliance with this order.

5. The provisions in paragraph 4 shall remain in effect for 3 years from the date of the final order or for the duration of the PRN contract, whichever is longest.

6. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

7. Respondent shall appear before the Board at the meeting of

the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff. The Respondent shall be prepared to explain the circumstances involved in this matter and what measures have been taken to prevent a recurrence.

8. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

9. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A herein.

10. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

11. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs

from the Department in connection with this matter.

12. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Florida Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 26 day of MAY, 1994.

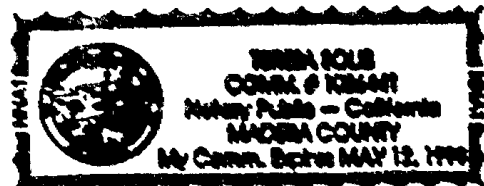
Roman Robles PAC
(Respondent's Name)

Before me, personally appeared _____,
whose identity is known to me by _____ (type of
identification) and who, under oath, acknowledges that his/her
signature appears above.

Sworn to and subscribed before me this 26 day of
May, 1994.

Veronica
NOTARY PUBLIC

My Commission Expires: May 12, 1995



APPROVED this 7 day of June, 1994.

George Stuart
Secretary

Larry G. McPherson, Jr.
By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No 5907

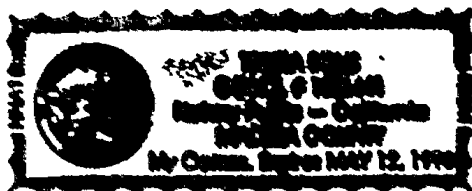
State of California

County of Madera

On May 26, 1994 before me, Teressa Solis, Notary Public
DATE NAME TITLE OF OFFICER - E.G. JANE DOE, NOTARY PUBLIC

personally appeared Roman E. Solis
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Teressa Solis
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL

- ☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

VS.

CASE NO. 91-13878

ROMAN ROBLES, P.A.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against ROMAN ROBLES, P.A., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician's assistant in the State of Florida, having been issued license number PA 0002326. Respondent's last known address is 1001 East Boutz, Los Cruces, New Mexico.

3. The office of the Surgeon General is the licensing authority for physician assistants practicing in the United States Army.

4 On or about August 15, 1991, the Department of The Army, Office of The Surgeon General permanently revoked Respondent's clinical privileges due to allegations of sexual abuse.

5. Respondent is guilty of having a license or authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies and subdivisions in that on or about August 15, 1991, The Department of The Army, Office of The Surgeon General permanently revoked Respondent's clinical privileges due to allegations of sexual abuse.

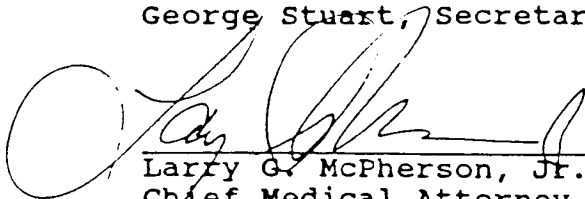
6. Based on the preceding allegations, Respondent violated Section 458.331(1)(b), Florida Statutes, in that he is guilty of having a license or authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the

Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 18 day of September, 1992.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:
Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
CJR/dpb
PCP: August 27, 1992
McEwen, Kaiser and Dauer

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 9-21-92